



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

000959
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HM22/0303

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/192,611	11/16/98	017	SCHWARTZMAN, R	1636 03/03/00
First Named Applicant	GLIMCHER, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION NF-AT-INTERACTING PROTEIN NIP45 AND METHODS OF USE THEREFOR

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	HUI-026DV	435-006.000	J07. UTILITY	YES	\$605.00	06/05/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/192,611

Applicant(s)
Glimcher et al.

Examiner
Robert Schwartzman

Group Art Unit
1636



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to telephone interview Feb 24, 2000.

☒ The allowed claim(s) is/are 26-32, 39-43, 46-50, renumbered as 1-15, 17, 16, respectively.

☒ The drawings filed on Nov 16, 1998 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

ROBERT A. SCHWARTZMAN
PATENT EXAMINER

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EXAMINER'S AMENDMENT

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 26-32, 39-43 and 46-54, drawn to a protein, classified in class 530, subclass 350.
- II. Claims 33-36, drawn to an antibody, classified in class 530, subclass 387.1.

The inventions are distinct, each from the other because of the following reasons:

Groups I and II are drawn to distinct products having different physical and chemical structures and different uses.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and different classification, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Catherine Kara on February 15, 2000 a provisional election was made without traverse to prosecute the invention of Group I, claims 26-32, 39-43 and 46-54. As claims 33-36 were canceled in the examiner's amendment below, the restriction requirement is now moot.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Catherine Kara on February 24, 2000.

The application has been amended as follows:

In the claims:

In claim 31, line 1 the word "operatively" was deleted.

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B¹
10 4¹ (amended) The method of claim ¹³39, wherein the degree of interaction between (i) and (ii) is determined by labeling either the NIP45 protein, or an NF-AT-interacting portion thereof, or the NF-AT family protein, or a NIP45-interacting portion thereof, [(i) or (ii)] with a detectable substance prior to combining the proteins, isolating the non-labeled protein after combining the proteins [(i) or (ii)] and quantitating the amount of detectable substance [labeled (i) or (ii)] that has become associated with the non-labeled protein [(i) or (ii)].

B²
13 4⁶ (amended) A method for identifying a compound that modulates the activity of NIP45, comprising

providing an [a] indicator cell [composition] comprising NIP45 activity;
contacting the indicator cell [composition] with a test compound; and
determining the effect of the test compound on NIP45 activity in the indicator cell [composition] to thereby identify a compound that modulates the activity of NIP45.

14 4⁷ (amended) The method of claim ¹³46, [wherein the indicator composition comprises an indicator cell,] wherein said indicator cell comprises NIP45 and a reporter gene responsive to NIP45.

Claims 33-36 and 51-54 were canceled.

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The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest a NIP45 protein, a protein having the amino acid sequence of SEQ ID NO:2 or methods of using the protein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Schwartzman whose telephone number is (703) 308-7307. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Elliott, can be reached at (703) 308-4003. The fax number for this group is (703) 305-3014.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)-308-0196.

February 24, 2000


ROBERT A. SCHWARTZMAN
PATENT EXAMINER